

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

MICHAEL SMITH

PLAINTIFF

VS.

CIVIL ACTION NO. 5:06-cv-126-DCB-JMR

MICHAEL J. ASTRUE,  
COMMISSIONER SOCIAL SECURITY

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the Chief United States Magistrate Judge, after referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation of the Chief United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of Chief United States Magistrate Judge John M. Roper be, and the same is hereby, adopted as the finding of this Court, and the Plaintiff's Motion [9-1] for Judgment on the Pleadings is GRANTED in part.

IT IS, FURTHER ORDERED that this cause is remanded for further administrative proceedings in order to properly develop evidence regarding Plaintiff's RFC as it relates to Plaintiff's obesity, degenerative arthritis in his right knee, hypertension, atrial fibrillation and CTS. The ALJ should also consider the findings of Dr. Robert Williams upon remand.

IT IS FURTHER ORDERDED that Defendant's Motion [11-1] for an Order Affirming the

Commissioner's Final Decision is DENIED.

SO ORDERED, this the 18<sup>th</sup> day of February, 2008.

s/ David Bramlette  
UNITED STATES DISTRICT JUDGE